



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,966	08/03/2001	Masuyo Horiguchi	045054-0145	8808

22428 7590 03/28/2005

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,966

Applicant(s)

HORIGUCHI, MASUYO

Examiner

Thjuan P Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/03/01;07/24/03;09/29/03;10/14/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chishaki et al (US 6,252,949), in view of Kim (US 6,560,467).
2. In regards to claim 1, Chishaki discloses a portable cellular phone (portable telephone set) being constructed integrally of a main body with a speech function and of a screen (LED) to display operational contents (col. 6 lines 28-33), comprising: a telephone information registering unit on which a plurality of kinds of incoming sounds each being assigned to as to be associated with each of a plurality of transmitters of incoming calls expected to be transmitted is pre-registered (col. 4-5 lines 54-7 and col. 6 lines 28-33); a control section (communication line control portion 2) to store, when an incoming call that arrived said portable cellular phone has not yet been responded to, incoming call history information about a transmitter of said incoming call, into an incoming call history storing area in a storing unit (calling party's storing portion 9) (col. 5 lines 27-39 and col. 5-6 lines 64-12); a switch (main control portion 12) having functions of searching for said incoming history storing area in said telephone information registering unit and in said control section and of outputting an incoming

sound corresponding to said transmitter of said incoming call (col. 6 lines 22-33); and wherein, when said incoming call that arrived has not yet been responded to, said incoming sound corresponding to said transmitter of said incoming call is output through operations of said switch (col. 6 lines 22-33). Chishaki, however, does not disclose a foldable portable cellular phone being constructed of a lid body and, in a manner that said lid body is foldable relative to said main body. Kim, however, does disclose a foldable portable cellular phone (Fig. 1, Fig. 3, and col. 2 lines 60-62) being constructed of a lid body and, in a manner that said lid body is foldable relative to said main body (col. 1 lines 47-55). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the features within a foldable portable cellular phone as a way allowing the user to be able to receive notification of a missed repeated incoming call, while the cellular phone is still in a folded state.

3. In regards to claim 2, Chishaki discloses the portable cellular phone, wherein said switch is so configured as to have a function of, when said incoming call that arrived two or more times while portable cellular phone has not been responded to, outputting said incoming sound corresponding to a transmitter of said incoming call that arrived several incoming calls before, through operations of signals each corresponding to each of operations of said switch performed two or more times to be input to said control section based on control by said control section (col. 5-6 lines 64-12 and col. 6 lines 22-33). Chishaki, however, does not disclose a foldable portable cellular phone. Kim, however, does disclose a foldable portable cellular phone (col. 1 lines 47-55 and col. 2 lines 60-62).

4. In regards to claim 3, Chishaki discloses the portable cellular phone, wherein said main body is provided with a detecting unit (detecting portion 5) used to detect an answering state, wherein, when a detection signal is fed to said control section from said detecting unit to make invalid said incoming call history information stored in said control section (col. 5 lines 52-63). Chishaki, however, does not disclose a foldable portable cellular phone. Kim, however, does disclose a foldable portable cellular phone (col. 1 lines 47-55 and col. 2 lines 60-62).

5. In regards to claims 4 and 9, Chishaki discloses the portable cellular phone, wherein said incoming sound is produced by a ringer generator (col. 6 lines 28-33). Chishaki, however, does not disclose a foldable portable cellular phone. Kim, however, does disclose a foldable portable cellular phone (col. 1 lines 47-55 and col. 2 lines 60-62).

6. In regards to claims 5, 6, 10, 11, and 12, Chishaki discloses the portable cellular phone, wherein vibration is employed instead of said incoming sound (col. 6 lines 28-33). Chishaki, however, does not disclose a foldable portable cellular phone. Kim, however, does disclose a foldable portable cellular phone (col. 1 lines 47-55 and col. 2 lines 60-62).

7. Chishaki discloses all of claims 7 and 8 limitations, except the portable cellular phone, wherein a registered name and/or time corresponding to a transmitter of an incoming call which is registered on said telephone information registering unit and which is output from a ringer generator is employed instead of said incoming sound. Chishaki, however, does disclose vibration being used to indicated an incoming call

Art Unit: 2642

(col. 6 lines 28-33), therefore, it would have been obvious to indicate an incoming call through the use of a registered name and/or time. Chishaki, however, does not disclose a foldable portable cellular phone. Kim, however, does disclose a foldable portable cellular phone (col. 1 lines 47-55 and col. 2 lines 60-62).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sawai (US 5,966,647) teaches a portable receiver having pivotally connected case arranged to shield antenna. Higuchi et al (US 6,799,034) teach a cellular mobile telephone for generating, storing, transmitting, and receiving messages. Akhavan (US 5,673,308) teaches a personal phone number system.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2642

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600